

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STARELLEN CARTER,

Plaintiff,

v.

CITY OF FERNDAL, ET AL.,

Defendants.

Case No. 18-cv-13824

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE
R. STEVEN WHALEN

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [#8] AND DISMISSING PLAINTIFF'S
COMPLAINT *SUA SPONTE* [#1]**

The Court referred all pretrial matters in this case to Magistrate Judge R. Steven Whalen. On December 14, 2018, Magistrate Judge Whalen issued an Order for a More Definite Statement, warning Plaintiff that failing to provide one within twenty-one days could result in a dismissal of her Complaint. Dkt. No. 5. Plaintiff did not comply with Magistrate Judge Whalen's December 14, 2018 Order. Accordingly, on January 11, 2019, Magistrate Judge Whalen issued a Report and Recommendation to Dismiss Plaintiff's Complaint *Sua Sponte*. Dkt. No. 8. Plaintiff has not filed an objection to the Magistrate Judge's Report and Recommendation, and the time for filing one has expired. *See* 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy, any party may

serve and file written objections to such proposed findings and recommendations as provided by the rules of the court.”). Upon review of the Magistrate Judge’s Report and Recommendation, the Court concludes that the Magistrate reached the correct conclusion.

The Court therefore ACCEPTS and ADOPTS Magistrate Judge Whalen’s January 11, 2019 Report and Recommendation [#8] as this Court’s findings of fact and conclusions of law. Plaintiff’s Complaint [#1] is hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: February 27, 2019

s/Gershwin A. Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, February 27, 2019, by electronic and/or ordinary mail.

s/Teresa McGovern
Case Manager